

the area covered by the lease, easement, right-of-way, or permit, all improvements, structures, and fixtures thereon, and all records relative to the design, construction, operation, maintenance, repairs, or investigations on or with regard to such area.

(c) The lessee shall, on request, furnish food, quarters, and transportation for MMS representatives to inspect lease facilities and operations. Upon request no later than 90 days after furnishing food, quarters, and transportation, the lessee will be reimbursed for the costs incurred for the food, quarters, and transportation provided MMS representatives as determined by the Regional Director.

§ 250.122 Best available and safest technologies (BAST).

(a) The Director shall require on all new drilling and production operations and, wherever practicable, on existing operations, the use of the BAST, which the Director determines to be economically feasible, where ever failure of equipment would have a significant effect on safety, health, or the environment, except where the Director determines that the incremental benefits are clearly insufficient to justify the incremental costs of utilizing such technologies.

(b) Conformance to the standards, codes, and practices referenced in this part will be considered to be the application of BAST. Specific equipment and procedures or systems not covered by standards, codes, or practices will be analyzed to determine if the failure of such would have a significant effect on safety, health, or the environment. If such are identified and until specific performance standards are developed by MMS and as directed by the Regional Supervisor on a case-by-case basis, the lessee shall submit such information necessary to indicate the use of BAST, the alternatives considered to the specific equipment or procedures, and the rationale as to why one alternative technology was considered in place of another. This analysis shall include a discussion of the costs involved in the use of such technology and the incremental benefits to be gained.

§ 250.123 Report of cessation of production.

When a lease is in its extended term in § 256.37(b), a report shall be submitted to the District Supervisor when the last well on the lease ceases production. Such a report shall contain the number of the well and the date that the last well ceased production and shall be submitted within 15 days after the end of the first month in which no production occurs. A report is not required when production resumes within 15 days after the end of the first month in which no production occurs or when production ceases as a result of a suspension of production.

§ 250.124 Appeals, general.

Orders or decisions issued under the regulations in this part may be appealed in accordance with the provisions of part 290 of this title. The filing of an appeal with the Director shall not suspend the requirement for compliance with an order or decision other than the payment of a civil-penalty. This requirement for compliance shall take precedence over any stay that may be granted other than a stay granted by the Secretary.

§ 250.125 Reports and investigations of apparent violations.

Any person may report to MMS an apparent violation or failure to comply with any provision of the Act, or any provision of a lease, license, or permit issued pursuant to the Act, or any provision of any regulation or order issued under the Act. When a report of an apparent violation has been received or when an apparent violation has been detected by MMS personnel, the matter will be investigated in accordance with MMS procedures.

[56 FR 20129, May 2, 1991. Redesignated at 63 FR 29479, May 29, 1998]

§ 250.126 Archaeological reports and surveys.

(a) If the Regional Director believes that an archaeological resource may exist in the lease area, the Regional Director will notify the lessee in writing. The lessee shall include an archaeological report in the Exploration Plan

or Development and Production Plan and shall comply with the following:

(1) If the evidence suggests that an archaeological resource may be present, the lessee shall either:

(i) Locate the site of any operation so as not to affect adversely the area where the archaeological resource may be; or

(ii) Establish to the satisfaction of the Regional Director that an archaeological resource does not exist or will not be adversely affected by operations. This shall be done by further archaeological investigation, conducted by an archaeologist and a geophysicist, using survey equipment and techniques deemed necessary by the Regional Director. A report on the investigation shall be submitted to the Regional Director for review.

(2) If the Regional Director determines that an archaeological resource is likely to be present in the lease area and may be adversely affected by operations, the Regional Director will notify the lessee immediately. The lessee shall take no action that may adversely affect the archaeological resource until the Regional Director has told the lessee how to protect it.

(b) If the lessee discovers any archaeological resource while conducting operations in the lease area, the lessee shall immediately halt operations within the area of the discovery and report the discovery to the Regional Director. If investigations determine that the resource is significant, the Regional Director will inform the lessee how to protect it.

[59 FR 53093, Oct. 21, 1994. Redesignated at 63 FR 29479, May 29, 1998]

Subpart B—Exploration and Development and Production Plans

§ 250.200 General requirements.

All exploration, development, and production activities except for preliminary activities shall be conducted in accordance with an Exploration Plan or a Development and Production Plan approved by the Regional Supervisor. A proposed plan may apply to one or more leases held by an individual lessee or may be submitted by a group of lessees. The Regional Super-

visor may authorize lessees to jointly submit environmental information for leases that are in the same planning area and have similar environmental conditions. Any reference in this part to a Development and Production Plan shall be considered to include the Development Operations Coordination Document used in the western Gulf of Mexico (GOM) (see § 250.204(d)).

[53 FR 10690, Apr. 1, 1988; 53 FR 26067, July 11, 1988. Redesignated and amended at 63 FR 29479, 29485, May 29, 1998]

§ 250.201 Preliminary activities.

Preliminary activities are geological, geophysical, and other surveys necessary to develop a comprehensive Exploration Plan or Development and Production Plan. Such preliminary activities are those which do not result in any physical penetration of the seabed of greater than 500 feet and which do not result in any significant adverse impact on the natural resources of the Outer Continental Shelf (OCS). The Regional Supervisor may require prior notification of the type, scope, and timing of any survey.

§ 250.202 Well location and spacing.

(a) The Regional Supervisor is authorized to approve well location and spacing programs necessary for exploration and development of a leased sulphur deposit or fluid hydrocarbon reservoir giving consideration to, among other factors, the location of drilling units and platforms, extent and thickness of the sulphur deposit, geological and other reservoir characteristics, number of wells that can be economically drilled, protection of correlative rights, optimum recovery of resources, minimization of risk to the environment, and prevention of any unreasonable interference with other uses of the OCS. Well location and spacing programs shall be determined independently for each leased sulphur deposit or hydrocarbon-bearing reservoir in a manner that will locate wells in the optimum position for the most effective production of sulphur and/or reservoir fluids and avoid the drilling of unnecessary wells.

(b) For wells which could intersect or drain an offset property, the Regional